

UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/822,716	03/30/2001	David A. Edwards	2685.1003-008

CONFIRMATION NO. 7248

FORMALITIES LETTER



OC000000006053552

Carolyn S. Elmore
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
 Two Militia Drive
 Lexington, MA 02421-4799

Date Mailed: 05/08/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$656.
 - \$576 for 32 total claims over 20.
 - \$80 for 1 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1496.

*A copy of this notice **MUST** be returned with the reply.*

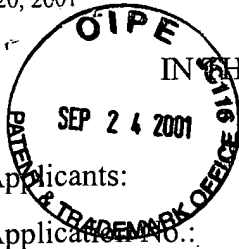
09/26/2001 MBELETE1 00000068 09822716

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

01 FC:101
 02 FC:102
 03 FC:103
 04 FC:105

710.00 OP
 80.00 OP
 576.00 OP
 130.00 OP

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Edwards and Jeffrey S. Hrkach
Application No.: 09/822,716 Group: 1615
Filed: March 30, 2001 Examiner: Not assigned
For: Particles for Inhalation Having Sustained Release Properties

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>9-20-01</u>	<u>Wendy Morrissey</u>
Date	Signature
<u>Wendy Morrissey</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated May 8, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- [X] **EXECUTED DECLARATION/POWER OF ATTORNEY**
(Separate transmittal letter and postcard not required)
- [X] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.
(Separate transmittal letter and postcard not required)
- [X] **SURCHARGE** - surcharge fee of \$130.00.
(Separate transmittal letter and postcard not required)
- [] **SEQUENCE LISTING** - Filed concurrently and is attached.
(Separate transmittal letter and postcard required)

☐ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - ☐ are enclosed.

(Separate transmittal letter and postcard not required)

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated May 8, 2001 for three months from July 8, 2001 to October 8, 2001. The appropriate fee of \$890.00 is included in the enclosed check.

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee.

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check.

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐.

☐ Is enclosed herewith.

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$2,386.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Susan M. Abelleira
Susan M. Abelleira
Registration No.: 42,252
Tel.: (781) 861-6240
Fax: (781) 861-9540

Lexington, Massachusetts 02421-4799

Date:

September 20, 2001

HAMILTON BROOK, SMITH & REYNOLDS, P.C.



FEE TRANSMITTAL FOR PATENT APPLICATIONS

Attorney Docket Number	2685.1003-008
Application Number	09/822,716
First Named Inventor	David A. Edwards

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	52 - 20* =	32	x \$ 18 =	\$ 576
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4 - 3** =	1	x \$ 80 =	\$ 80
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 710
				Total of above Calculations =	\$ 1366
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$
	TOTAL =				\$ 1366
	Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =				\$ 130
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$ 890
	Assignment Recordation Fee = (only when filed with application)				\$
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 2386

1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$2,386.00. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☐ Other: _____

Signature	<i>Susan M. Abelleira</i>	Date	<i>September 20, 2001</i>
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252